

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE

DENNIS MAURER,  Plaintiff,  v.  BB&T BANK,  Defendant.	Civil Action No. 19-14612  <b>MEMORANDUM ORDER DISCHARGING ORDERS TO SHOW CAUSE</b>
DENNIS MAURER,  Plaintiff,  v.  BB&T BANK,  Defendant.	Civil Action No. 19-20915  <b>MEMORANDUM ORDER DISCHARGING ORDERS TO SHOW CAUSE</b>

THESE CASES come before the Court upon this Court's Orders to Show Cause, dated December 3, 2019, and January 14, 2020, and Plaintiff's responses thereto. Having considered Plaintiff's submissions-- most particularly, and recently, Plaintiff's brief at docket entry 39, and Plaintiff's Supplemental Declaration at docket entry 39-1-- the Court concludes that Plaintiff has sufficiently established, at this early stage of the case, that he has suffered an injury in fact sufficient to confer standing

under Article III of the United States Constitution. While the Court is not persuaded by Plaintiff's application and interpretation of Mielo v. Steak 'n Shake Operations, Inc., 897 F.3d 467 (3d Cir. 2018) as set forth in his brief (see docket 39 at p. 6), Plaintiff's Declaration sufficiently establishes that "Plaintiff himself 'personally' 'experience[ed] actual physical difficulty' by virtue of the 'allegedly not ADA-compliant' features of each BB&T branch at issue." (January 14, 2020 Order to Show Cause, quoting Mielo, 897 F.3d at 480). For example, Plaintiff states that, at the Linwood BB&T branch, he "had to traverse from the unlevel non-compliant non-disabled parking space to the roadway to a non-compliant ramp to exit the branch," (docket entry 39-1, p. 5); and at the Hammonton BB&T branch, he "used" a curb ramp that "was severely sloped and dangerous" "to access the subject facility." (Id., p. 12)

Accordingly, **IT IS** on this **5th** day of **January, 2020**, hereby **ORDERED** that the Court's Orders to Show Cause (docket entries 28 and 36) are **DISCHARGED**. Nothing in this Order shall preclude Defendant from raising lack of Article III standing at a later stage of this case, provided a good faith basis to do so exists.

s/ Renée Marie Bumb  
RENÉE MARIE BUMB  
UNITED STATES DISTRICT JUDGE